

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH HENSLEY

Plaintiff,

v.

**UNIT MANAGER JONATHAN
McCAULLEY, et al,**

Defendants.

Case No. 3:22-CV-150

MEMORANDUM ORDER

This action was received by the Clerk of Court on September 9, 2022. The matter was assigned and referred to United States Magistrate Judge Keith A. Pesto, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff, an inmate acting pro se, alleged that Defendant violated his civil rights under the First Amendment by soliciting another inmate to assault him. Presently before the Court is the motion for summary judgment filed by Defendants McCaulley, Baine, and Vickland.

On January 21, 2025, Judge Pesto issued a Report and Recommendation recommending that the motion for summary judgment be granted. ECF No. 95. As of today's date, no Objections have been filed by any party.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).


After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 14th day of February 2025;

IT IS ORDERED that the motion for summary judgment [ECF No. 88] is granted.

IT IS FURTHER ORDERED that final judgment is entered in favor of Defendants McCaulley, Bainey, and Vickland and against Plaintiff pursuant to Fed.R.Civ.P. 58. The Clerk is directed to close this case.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Pesto, issued on January 21, 2025 [ECF No. 95] is adopted as the opinion of the court.


S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge